

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

JANN L. BANKS,

Plaintiff,

v.

CIVIL ACTION NO. 5:05cv62

MICHAEL J. ASTRUE,  
COMMISSIONER OF SOCIAL SECURITY,

Defendant.

**ORDER**

After consideration of the foregoing Motion to Dismiss Fee Petition Without Prejudice [Docket Entry 38], it is

**ORDERED** that the Motion to Dismiss Fee Petition Without Prejudice is hereby **GRANTED**, and the Petition for Award of Attorney's Fee, filed January 9, 2008, by Plaintiff, is terminated [Docket Entry 34].

The United States District Clerk for the Northern District of West Virginia is directed to provide a copy of this order to counsel of record.

DATED: February 14, 2008.

/s/ *John S. Kaull*

JOHN S. KAULL  
UNITED STATES MAGISTRATE JUDGE